

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|-------------------------------------|---------------------------|--|---|---------------------------------|
| Investigator: Whitney Beber | Team: Squad #9 | CCRB Case #: 201800480 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Friday, 01/12/2018 2:00 PM | Location of Incident: § 87(2)(b) | Precinct: 67 | 18 Mo. SOL 7/12/2019 | EO SOL 7/12/2019 | |
| Date/Time CV Reported Fri, 01/12/2018 4:19 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Fri, 01/19/2018 11:04 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|--------------------------|--------|--------|---------|
| 1. POM Remy Jeanfrancois | 24399 | 950632 | 067 PCT |
| 2. An officer | | | |
| 3. POM Kevin Hunter | 15253 | 954951 | 067 PCT |
| 4. Officers | | | |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|--|-----------------------------|
| A.POM Remy Jeanfrancois | Force: Police Officer Remy Jeanfrancois restricted § 87(2)(b)'s breathing | § 87(2)(b) |
| B.POM Kevin Hunter | Force: Police Officer Kevin Hunter restricted § 87(2)(b)'s breathing | § 87(2)(b) |
| C.POM Remy Jeanfrancois | Force: Police Officer Remy Jeanfrancois used a chokehold against § 87(2)(b) | § 87(2)(b) |
| D. Officers | Abuse: Officers threatened to arrest individuals. | § 87(2)(b) |
| E. An officer | Abuse: An officer threatened to arrest § 87(2)(b) | § 87(2)(b) |
| F. An officer | Abuse: An officer threatened to arrest § 87(2)(b) | § 87(2)(b) |
| G.POM Remy Jeanfrancois | Discourtesy: Police Officer Remy Jeanfrancois spoke discourteously to § 87(2)(b) | § 87(2)(b) |

Case Summary

On January 12, 2018, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau on January 12, 2018. The complaint was received by the Civilian Complaint Review Board (CCRB) on January 19, 2018.

On January 12, 2018, at approximately 2:00 p.m. at § 87(2)(b) in Brooklyn, § 87(2)(b) heard someone yell “Help.” She opened her door and saw her son, § 87(2)(b) Police Officer Remy Jeanfrancois and Police Officer Kevin Hunter of the 67th Precinct. Police Officer Hunter and Police Officer Jeanfrancois were on either side of § 87(2)(b) and they were trying to pull § 87(2)(b) s arms back and up towards his head. The officer to § 87(2)(b) s left had his elbow pressed against § 87(2)(b) s neck. While he was in a seated position, Police Officer Hunter and Police Officer Jeanfrancois had their knees on § 87(2)(b) s neck (**Allegation A and B: Force, § 87(2)(g)**), and Police Officer Jeanfrancois had his arm around § 87(2)(b) s neck (**Allegation C: Force, § 87(2)(g)**). After approximately five to ten minutes the officers handcuffed § 87(2)(b).

Additional officers arrived and issued commands to § 87(2)(b) her son § 87(2)(b) and other unidentified individuals in her building who had exited her apartment, that “If you don’t move away, we’re going to arrest you” (**Allegation D: Abuse of Authority, § 87(2)(g)**). An unidentified officer told § 87(2)(b) and § 87(2)(b) “Back up or you’re going to get arrested (**Allegations E and F: Abuse of Authority, § 87(2)(g)**).” After § 87(2)(b) was taken downstairs by the officers, § 87(2)(b) and § 87(2)(b) followed. Police Officer Jeanfrancois and Police Officer Omar Rivera of the 67th Precinct escorted § 87(2)(b) outside. Police Officer Jeanfrancois told § 87(2)(b) to “Shut the fuck up” (**Allegations G: Discourtesy, § 87(2)(g)**).

§ 87(2)(b) was ultimately charged with § 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b) s charges were ultimately dismissed. § 87(2)(b) and § 87(2)(b) were not issued summonses or arrested.

§ 87(2)(b) provided two videos filmed with cellphones (Board Review 13 and 14). There were additional videos received for this case from § 87(2)(b). However the other videos either did not capture any of the allegations or they consisted of footage that was consistent with those videos § 87(2)(b) provided but were of lesser video quality.

Findings and Recommendations

Allegation A-Force: Police Officer Remy Jeanfrancois restricted § 87(2)(b) s breathing.

Allegation B-Force: Police Officer Kevin Hunter restricted § 87(2)(b) s breathing.

Allegation C-Force: Police Officer Remy Jeanfrancois used a chokehold against § 87(2)(b)

On January 12, 2018, at approximately 2:00 p.m., § 87(2)(b) heard someone scream, “Help” from the hallway outside of her apartment at § 87(2)(b) in Brooklyn. § 87(2)(b) exited the apartment and saw Police Officer Hunter and Police Officer Jeanfrancois

grappling with her son § 87(2)(b). She observed two hands on § 87(2)(b)'s head and an elbow that was making contact with § 87(2)(b)'s neck. § 87(2)(b) asked § 87(2)(b) to retrieve a cell-phone to record the incident and to call 911. As § 87(2)(b) was speaking to the 911 dispatcher she observed either PO Hunter or PO Jeanfrancois, (she could not tell which), press his knees against § 87(2)(b)'s neck.

During her in-person interview § 87(2)(b) stated that when she first observed Police Officer Jeanfrancois, Police Officer Hunter and § 87(2)(b) the officer to § 87(2)(b)'s left was holding one of § 87(2)(b)'s arms, and had his elbow pressed against § 87(2)(b)'s neck. The officer to § 87(2)(b)'s right was holding § 87(2)(b)'s other hand and pulling it back and upwards. § 87(2)(b) ended up in a seated position and while he was in that position, Police Officer Jeanfrancois and Police Officer Hunter had their knees “on § 87(2)(b)'s neck.” At some point, Police Officer Jeanfrancois bent over to pick up his radio with his left hand, and his right arm was around § 87(2)(b)'s neck (Board Review 01).

§ 87(2)(b) failed to provide a sworn statement to the CCRB but he did provide a telephone statement. As per § 87(2)(b)'s telephone statement, he was in the hallways of § 87(2)(b) with his friend, § 87(2)(b) (whose last name he did not know). § 87(2)(b) and § 87(2)(b) were on their cellphones and had been in the hallway for approximately five minutes when Police Officer Hunter and Police Officer Jeanfrancois approached them. As the officers attempted to arrest § 87(2)(b) a struggle ensued. During that struggle, Police Officer Hunter used what § 87(2)(b) described as a “Full Nelson,” a maneuver in which the officer locked his arms around § 87(2)(b)'s raised arms, head, neck and face area. At no point during the struggle was § 87(2)(b)'s breathing restricted. It took between ten and 20 minutes for the officers to force § 87(2)(b) onto the floor. § 87(2)(b) acknowledged that he was resisting arrest and refused to put his hands behind his back during this struggle.

Police Officer Jeanfrancois' stated he and Police Officer Hunter were conducting a “vertical” inside of the four buildings located at § 87(2)(b). They were going down the stairs of building B when they smelled marijuana. Police Officer Hunter continued to take the stairs down and Police Officer Jeanfrancois took the elevator down. When Police Officer Jeanfrancois reached the location [from which they had smelled marijuana] he saw § 87(2)(b) sitting on the stairs. § 87(2)(b) eventually ran down the stairs. § 87(2)(b) who was observed with the marijuana, tried to get past Police Officer Hunter. Police Officer Jeanfrancois was later told by Police Officer Hunter that § 87(2)(b) punched him in the vest several times. § 87(2)(b) pushed Police Officer Hunter and tried to push past Police Officer Jeanfrancois with his body. In addition to pushing the officers, § 87(2)(b) would not give his hands to the officers. Police Officer Jeanfrancois denied that he or any officer placed their elbow or arm against § 87(2)(b)'s neck. At no point did any officer put their knee on § 87(2)(b)'s neck. Police Officer Jeanfrancois denied using a chokehold against § 87(2)(b) and did not see any other officer do so (Board Review 02).

Police Officer Hunter's statement was largely consistent with that of Police Officer Jeanfrancois. Once § 87(2)(b) evaded the officers, Police Officer Hunter tried to grab § 87(2)(b)'s wrist to prevent him from fleeing. § 87(2)(b) then punched Police Officer Hunter once or twice in the chest plate with his fist. In response, Police Officer Hunter tried to restrain his hands. § 87(2)(b) also put his feet on the railing, while his back was against the wall, spit and twisted his body. Once § 87(2)(b)

reached the wall, he and Police Officer Jeanfrancois were able to get a grip on his arms. With his feet on the railing, § 87(2)(b) tried to pry himself from the officers' grip. Police Officer Hunter pushed § 87(2)(b)'s face away so he would not be spat on. Police Officer Hunter also grabbed § 87(2)(b) around his wrist and tried to turn him around. Police Officer Hunter believed Police Officer Jeanfrancois was on the other side attempting to do the same. Police Officer Hunter was able to get a hold of § 87(2)(b)'s wrist and brought him up the stairs onto the landing. At no point did Police Officer Hunter or any other officer place their knee on § 87(2)(b)'s neck. Police Officer Hunter did not remember if he or Police Officer Jeanfrancois pulled § 87(2)(b)'s arms up and towards his head. When asked if § 87(2)(b) was ever on the ground, Police Officer Hunter stated that he believed he was, but did not remember how he came to be there (Board Review 03).

§ 87(2)(g)

§ 87(2)(b) alleged that Police Officer Hunter used a "Full Nelson," to restrain him, which involved him placing his arms around § 87(2)(b)'s head, neck, face and arm area. Although § 87(2)(b) did not state that either officer placed their arm around his neck, as § 87(2)(b) described, he did describe an officer having locked his arms around his own arms, head and neck.

§ 87(2)(g)

Allegation D-Abuse of Authority: Officers threatened to arrest individuals.

Allegation E-Abuse of Authority: An officer threatened to arrest § 87(2)(b)

Allegation F-Abuse of Authority: An officer threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that after she called 911, additional officers responded to the hallway where § 87(2)(b) was being placed under arrest. When the officers arrived they told several individuals who had exited their apartments, as well as § 87(2)(b) and herself, that "If you don't move away, we're going to arrest you." The officer who issued the threat to § 87(2)(b) was described as an approximately 5'8" to 5'9" tall, "fat" uniformed white male in his fifties with sandy blonde/brown hair. § 87(2)(b) and § 87(2)(b) stepped back and officers handcuffed § 87(2)(b). § 87(2)(b)'s sworn statement is consistent with her telephone statement.

As per Police Officer Jeanfrancois, the other individuals who were observing the situation in the hallway were within five to ten feet of the officers. After the additional officers arrived, Police Officer Jeanfrancois did not hear an officer tell § 87(2)(b) or anyone in the crowd "If you don't move away we're going to arrest you," and he did not say this himself.

As per Police Officer Hunter, while outside, § 87(2)(b) was standing “right behind” Police Officer Hunter. Police Officer Hunter told § 87(2)(b) to “Get back,” multiple times and motioned backwards with his arm and “gently” pushed him to guide him back. Police Officer Hunter could not estimate how close § 87(2)(b) was to Police Officer Jeanfrancois. After they handcuffed § 87(2)(b) additional units responded. Police Officer Hunter did not hear any officer issue any commands to anyone in the crowd including § 87(2)(b) and § 87(2)(b). Police Officer Hunter did not threaten to arrest § 87(2)(b) or § 87(2)(b) if they did not back away.

The video embedded directly below depicted at least twenty-six uniformed police officers on scene for this incident.



201800480_20180226_1515_DM.MOV

The EVENT Unit Information sheet notes that the following units responded: unit 67C1-2, 67NCOA1 and 67STI-2 (Board Review 04). The Tour 2 Resource Recap Log notes that unit 67RES1-2 was assigned to EVENT # D18011214368 (Board Review 06). The Tour 2 67th Precinct Roll Call on January 12, 2018, notes that Sergeant Angel Badillo was the Patrol Supervisor, and his operator was Police Officer Rivera, that Police Officer Michael Nocera and Police Officer Nicholas Skomina were assigned to Sector C1, Police Officer Abbas and Police Officer Vadim Medvedev were assigned to Response Auto 1, Police Officer Hunter and Police Officer Jeanfrancois were assigned to NCO sector A (Board Review 05). Of these nine officers, two are white males, both of whom are much younger than § 87(2)(b) described. Furthermore, the documents do not provide a complete documentation of the officers that responded to § 87(2)(b) as the video clearly depicts more than twice as many officers as the EVENT, Roll Call and Resource Recap Log account for.

The undersigned made multiple attempts to contact § 87(2)(b) after her interview to obtain further details regarding the threat of arrest and a more detailed description of the officers who allegedly threatened to arrest her, § 87(2)(b) and the individuals in the crowd but § 87(2)(b) was unresponsive to these contact attempts. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

Allegation G-Discourtesy: Police Officer Remy Jeanfrancois spoke discourteously to § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) followed the officers as they escorted § 87(2)(b) out of the building. Police Officer Rivera and Police Officer Jeanfrancois escorted § 87(2)(b) to a police vehicle while holding him by the hood of his sweatshirt. § 87(2)(b) told the officers to release him and in response Police

Officer Jeanfrancois told § 87(2)(b) to “Shut the fuck up.” § 87(2)(b) was then placed into a police vehicle.

§ 87(2)(b) alleged in a telephone statement that multiple officers used profanity during the incident; however he denied that Police Officer Jeanfrancois directed any profanity towards him.

During his CCRB interview, Police Officer Jeanfrancois stated initially that he did not remember saying, “Shut the fuck up,” to § 87(2)(b). However, once he viewed the video footage, he identified himself as the officer who said “Shut the fuck up,” apparently in response to § 87(2)(b) telling an officer not to touch him. He did not know or provide a reason for doing so.

In the video embedded below, at 1:08 minutes into the recording, a voice says, “Why are you acting like this bro? Don’t touch me.” A voice then replies, “Shut up. Shut the fuck up.” When this video was viewed in Police Officer Jeanfrancois’ interview, he identified his own voice in the video as the individual who said, “Shut the fuck up.”



201800480_20180226_1516_DM.MOV

Patrol Guide Procedure Section 203-09 requires that NYPD officers be “courteous and respectful” in their public conduct (Board Review 15).

Police Officer Jeanfrancois acknowledged telling § 87(2)(b) to “Shut the fuck up,” and provided no justification for doing so. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 08).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- Police Officer Hunter has been a member of service four years and has been a subject in four CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Jeanfrancois has been a member of service for six years and has been a subject in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 10).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 11).
- § 87(2)(b)

Allegations not pleaded

In the video embedded above at 00:12 seconds into the recording, § 87(2)(b) appears to move his shoulders and head down quickly to the left as he and the officers are walking down the steps through an archway. At 00:14 seconds into the recording, an officer to the right of § 87(2)(b) appears to make contact with the back of his head. During § 87(2)(b)'s interview, when she presented this footage, she alleged that an officer struck § 87(2)(b)'s head at that point in the video. § 87(2)(b) did not witness this in person. Although § 87(2)(b) alleged that his hair was grabbed and that he was slapped and punched by Police Officer Hunter and Police Officer Jeanfrancois while the officers attempted to handcuff him in the hallway, § 87(2)(b) did not allege that he was punched while being escorted to the police vehicle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Squad No.: _____

Investigator: _____

| | | |
|-----------|--------------------|------|
| Signature | Print Title & Name | Date |
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Squad Leader: _____

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| Signature | Print Title & Name | Date |
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Reviewer: _____

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| Signature | Print Title & Name | Date |
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